

REMARKS


Pursuant to the Advisory Action transmitted 31 July 2006, and the telephone interview with the Examiner of 1 August 2006, Applicant resubmits the claims previously filed in the Amendment Under 37 CFR §116 filed 9 May 2006, with the exception that claim 37 is amended as indicated by the Examiner and claims 54-56 are not resubmitted.

The Examiner states in the Advisory Action that the Request for Reconsideration does not place the Application in condition for allowance (Paragraph 11) because claim 37 was not amended as indicated [in the Interview of 5 May 2006]. This was an inadvertent oversight. The Examiner further states that the Amendment was not entered [Paragraph 3] because claims 54-56 raise new issues. Since the claims from which these depend were original claims specifying two dosages, the Examiner's reasoning for not entering this Amendment is not understood. However, they are not resubmitted herein.

The Examiner further states that the application is not in condition for allowance as the optimum ranges have not been shown to be critical, and, absent that, the claims presently in the case are obvious under 35 USC §103, citing *In re Allen*, 220 F.2d 454ff (CCPA 1955). This ground of rejection is newly raised. Applicant has not had any opportunity to dispute *prima facie* obviousness on these grounds, or to rebut it with suitable evidence. If the Examiner wishes to rely on this rejection, prosecution should be reopened.

Applicant submits the claims of the application are in condition for allowance as herein amended, and entry of this Amendment with Notice of Allowance is respectfully requested.

Respectfully submitted,



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